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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,374	10/14/2003	Craig Bonsignore	CRD-5054	4420

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EXAMINER

YABUT, DIANE D

ART UNIT	PAPER NUMBER
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3734

NOTIFICATION DATE	DELIVERY MODE
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01/06/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jnjuspatent@corus.jnj.com
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Office Action Summary	Application No.	Applicant(s)	
	10/685,374	BONSIGNORE, CRAIG	
	Examiner	Art Unit	
	DIANE YABUT	3734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2010 and 21 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,10-16,18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/10</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/09/2010 has been entered. Claims 1-6, 8-16, and 18-19 are pending in this application. Claims 5-6 and 10-16, and 18-19 are withdrawn from consideration.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/21/2010 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wisselink** (U.S. Patent No. **5,984,955**) in view of **Hartley** (U.S. Pub. No. **2004/0082990**).

Claims 1 and 3-4: In Figure 2c Wisselink discloses a single flow channel main trunk **12a** having first and second ends, first and second stent-anchors **18a** disposed completely within and covered by the main trunk (see col.7, lines 59-67), the first and second stent-anchors securing the first and second ends of the main trunk within a vessel, a graft extension configured as part of the main trunk and extending from the main trunk or being in fluid communication with the main trunk (as it is near **46** in Figure 2c), the graft extension and the main trunk being formed as a continuous, one-piece, unitary structure (it is noted that in the present application, a graft extension **30** extends from an incision in a main trunk **12** and are one-piece in the sense that they create a continuous, integral, unitary structure), a bypass graft **14** or **16** in fluid communication with the graft extension, wherein the graft extension and the bypass graft have an overlapping region (see Figures 1b-1c), wherein the outside diameter of the graft extension is substantially equal to the inside diameter of the bypass graft (see Figures 2b-2c. col. 4, lines 42-67, col. 7, lines 39-67).

In Figure 2c Wisselink lacks the single flow channel main trunk having a first diameter above the graft extension and a second diameter below the graft extension, the first and second diameters being equal. However, Wisselink also discloses another configuration in the embodiment of Figures 1a-1f wherein the above limitation is met.

The graft extension in this embodiment may be referred to as **40**, and forms a continuous, one-piece, unitary structure with the main trunk **12**.

Wisselink lacks an internal anchor and an external anchor, wherein the internal anchor is positioned within the graft extension and is configured to exert a chronic outwardly directed outward force and the external anchor is integral with or positioned outside the bypass graft and is configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft.

Hartley teach an overlap region comprising an internal anchor **68** positioned within a “proximal prosthesis portion” or graft extension **62** and being configured to exert a chronic outwardly directed outward force and an external anchor **72** being integral with or positioned outside a “distal prosthesis portion” or bypass graft **66** and being configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft (Figure 7, paragraphs 58-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the connection between the graft extension and the bypass graft in Wisselink by providing an internal anchor and an external anchor, as taught by Hartley,

in order to provide a smooth region and effective seal between the two tubular portions (paragraph 59).

Claim 2: Wisselink discloses said bypass graft comprising an artificial graft **16** or a donor vessel (col. 7, lines 39-67).

Claim 8: Wisselink discloses said first and second stent-anchors exerting an outward force to seal said main trunk in a main vessel (col. 7, lines 49-52).

Claim 9: Wisselink discloses said first and/or second stent-anchors comprising a plastically deformable material (col. 1, lines 52-67).

Response to Arguments

5. Applicant's arguments filed 06/15/2010 have been fully considered but they are not persuasive.

Applicant argues that Wisselink lacks single flow channel main trunk having a first diameter above the graft extension and a second diameter below the graft extension, the first and second diameters being equal in Figure 2c. However, Wisselink also discloses another configuration in the embodiment of Figures 1a-1f wherein the above limitation is met. The graft extension in this embodiment may be referred to as **40**, and forms a continuous, one-piece, unitary structure with the main trunk **12**.

6. Applicant also argues that Hartley discloses stent grafts that overlap and not two grafts that are joined by two separate stents. The examiner maintains that Hartley reads on the limitations by teaching an internal anchor **68** positioned within a "proximal prosthesis portion" or graft extension **62** and is configured to exert a chronic outwardly

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directed outward force and an external anchor **72** being integral with or positioned outside a “distal prosthesis portion” or bypass graft **66** and is configured to exert a chronic inwardly directed force, the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft (Figure 7, paragraphs 58-59).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIANE YABUT whose telephone number is (571)272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diane Yabut/

Examiner, Art Unit 3734

/EDUARDO C. ROBERT/

Supervisory Patent Examiner, Art Unit 3733